

Case # in database -
not on order.

Effective date in database
is not same as order

Effective date on order
is incorrect?
(1995 or 1996)

BEFORE THE ARIZONA STATE BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:)	
)	
E. CAROLYN THOMAS BEYER, D.O.)	
Holder of License No. 1480)	
For the practice of)	
Osteopathic Medicine in the)	
State of Arizona)	
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STIPULATION FOR
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND CONSENT ORDER

STIPULATION

By mutual agreement and understanding, the Arizona State Board of Osteopathic Examiners in Medicine and Surgery ("Board") and E. Carolyn Thomas Beyer, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition of this matter.

1. Respondent acknowledges that she had read this Stipulation and the attached Findings of Fact, Conclusions of Law and Consent Order ("Stipulated Consent Order"); and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Stipulation, she voluntarily relinquishes any rights to a hearing on the matters alleged as ground for Board action or to seek judicial review of the consent order in state or federal court.

3. Respondent understands that this Stipulation and Order will not become effective unless approved by this Board and signed by its Executive Director.

4. Respondent further understands that this Stipulated Consent Order, once approved and signed, shall constitute a public records which may be disseminated as a formal action of the Board.

5. Respondent admits to the facts and consents to all the terms contained in the Stipulated Consent Order.

6. Respondent acknowledges and agrees that upon signing and returning this document to the Board, she may not later revoke or amend this Stipulated Consent Order, without Board approval.

IT IS HEREBY STIPULATED AND AGREED that any violation of said Board Order constitutes unprofessional conduct as defined in A.R.S. 32-1855.

REVIEWED AND ACCEPTED this 4TH day of JANUARY, 199⁶

E. Carolyn Thomas Beyer, D.O.
E. Carolyn Thomas Beyer, D.O.

State of Arizona)
) ss
County of)

This instrument was acknowledged before me this 4TH day of JANUARY, 199⁶, by the above-named individual.

County of Residence: PORTER
My Commission Expires:

John A. Evans
Notary

FEB. 21, 1998
Reviewed and approved as to form
by counsel for Respondent:

Carl S. Madtman

REVIEWED AND SIGNED this 10th day of JANUARY, 1995, for
the Board by:

Ann Marie Berger
Ann Marie Berger
Executive Director

- B. Respondent has maintained an osteopathic medicine practice at the above address for at least eight (8) years.
- C. On or about May 8, 1989, patient Patsy Campbell, age 45, visited Respondent regarding a sciatic nerve problem. Respondent had previously relieved this problem with medication or manipulation.
- D. At the time of her visit, Mrs. Campbell had, at least, two red areas of psoriasis on her back, each about two (2) inches square, and also had a red spot on her right elbow, about the size of a quarter.
- E. A dermatologist diagnosed Mrs. Campbell with psoriasis in 1982.
- F. Respondent wrote a 60 mg. prescription for Oxsoralen-Ultra, methoxsalen, a legend drug for the skin condition and advised Mrs. Campbell that she should obtain ultra-violet (U.V.) therapy at a tanning parlor in Chesterton, IN called Slender-You. Mrs. Campbell was advised to limit her first U.V. exposure to only five (5) minutes.
- G. On or about May 13, 1989, Mrs. Campbell took the Oxsoralen-Ultra two (2) hours prior to receiving the ultraviolet radiation, as directed by Respondent. Mrs. Campbell obtained ultra-violet therapy from another tanning booth and stayed under their ultra-violet light for twenty-five (25) minutes. In so doing, Mrs. Campbell failed to follow Respondent's order for the duration of her treatment.
- H. On or about May 15, 1989, Mrs. Campbell went to the emergency room of Porter Memorial Hospital with a 60- to 70- percent total surface burn and a 40-percent second degree burn.
- I. On or about May 17, 1989, Mrs. Campbell was transferred to the burn unit of the University of Chicago Hospital. At the time of her transfer, Mrs. Campbell was lethargic and dyspneic and was diagnosed by a dermatologist as having partial thickness PUVA burns over 70 percent of her total body surface.

- J. Mrs. Campbell's condition deteriorated rapidly until her death on or about May 24, 1989.
 - K. The immediate cause of death was noted in the postmortem note to be acute necrotizing Pseudomonas pneumonia with DIC.
 - L. Mrs. Campbell's death resulted from her over-exposure to UV radiation.
 - M. On or about February 13, 1991, a medical review panel found that Respondent failed to comply with the appropriate standard of care as charged in the State of Indiana's Complaint filed In the matter of the Estate of Patsy Campbell v. Beyer, D.O.
 - N. Respondent failed to prescribe the proper dosage of Oxsoralen-Ultra based on Mrs. Campbell's weight.
 - O. Respondent failed to adequately warn Mrs. Campbell in writing of the dangers of over-exposure to UV radiation when using Oxsoralen-Ultra.
 - P. Respondent did not understand how ultra-violet radiation is to be administered.
 - Q. Respondent should not have sent Mrs. Campbell to a tanning salon to receive UV radiation without medical supervision.
5. Respondent has not appeared before the Board; but, Respondent has communicated, either personally or through legal counsel, with the Board by correspondence.

CONCLUSIONS OF LAW

1. The Arizona State Board of Osteopathic Examiners has jurisdiction over the person and subject matter presented by this matter, pursuant to A.R.S. 32-1800, et seq.
2. The Board has the authority to enter into a stipulated order for final disposition of this case, pursuant to A.R.S. 41-1061(D), and A.R.S. 32-1855.

3. The Respondent engaged in unprofessional conduct as defined at A.R.S. 32-1854(6), i.e., engaging in the practice of medicine in a manner that harms or may harm a patient or that falls below the community standard; and, A.R.S. 32-1854(18), i.e., the refusal, revocation or suspension of a license another state; and, A.R.S. 32-1854(40), i.e., any conduct or practice that endangers a patient's or the public's health; and A.R.S. 32-1854(46), i.e., negligence that results in death to a patient.

CONSENT ORDER

Pursuant to the authority vested in the Board by A.R.S. 32-1855 and A.R.S. 41-1061(D), IT IS HEREBY ORDERED THAT:

1. E. Carolyn Thomas Beyer, D.O. ("Respondent") is placed upon probation for five (5) years and shall comply with the terms and conditions of probation set forth herein.

2. From the date of this Order for the duration of the five year probation, Respondent shall comply with all terms and conditions of the Modified Order for Issuance of an Indefinite Probationary License between the Medical Licensing Board of Indiana and E. Carolyn Thomas Beyer and dated July 14, 1994, nunc pro tunc to May 21, 1994.

3. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities in Arizona where Respondent is currently employed as a physician and/or has privileges to engage in the practice of medicine until the expiration of this Order.

4. Respondent may have her license to practice as an osteopathic physician restricted, suspended or revoked by the Board

in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

5. Respondent shall comply with all terms and conditions imposed by any Arizona hospital at which she may have privileges or later obtain privileges to practice; and, said hospital's chief executive officer shall be provided by you within five (5) days of copy of this Consent Order, in its entirety.

6. While Respondent is residing and/or practicing as a physician in Arizona, Respondent shall meet with the Board upon reasonable notice to discuss her progress in complying with the terms and conditions of this Stipulated Consent Order.

7. Respondent shall authorize the Medical Licensing Board of Indiana to release to the Board, upon its written request, reports regarding Respondent's record of compliance with the terms and conditions contained therein.

8. Respondent shall bear any and all costs associated, or incurred in conjunction with compliance with this Order.

9. In the event that Respondent chooses to establish residency and practice osteopathic medicine and surgery in the State of Arizona, the Board reserves the right to review Respondent's compliance with this Order and with the terms of the

Order issued by the Medical Licensing Board of Indiana and amend this Order as it deems necessary which may include the imposition of a period of probation, to protect the public health and safety of the citizens of Arizona.

ISSUED AND EFFECTIVE this 10th day of January, 1995

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY


Ann Marie Berger
Executive Director

Served by personal delivery or by sending
U.S. Certified Mail this 10th day of
January, 1995 to:

E. Carolyn Beyer, D.O.
419 S. Jackson Blvd.
Chesterton, IN 46304

Mailed this ____ day of _____,
1995 to:

Michael Harrison
Assistant Attorney General
Civil Division
15 S. 15th Avenue, 3rd Floor
Phoenix AZ 85007

BY: _____